

TWIN CITY PIPE TRADES SERVICE  
ASSOCIATION, INC., a *Minnesota non-*  
*profit corporation*,

Plaintiff,  
v.

DARWIN FLATTEN, *individually and*  
*d/b/a KENWOOD PLUMBING*,

Defendant.

Civil No. 08-4853 (JRT/RLE)

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

William A. Cumming, **HESSIAN & MCKASY, PA**, 4000 Campbell Mithun  
Tower, 222 South Ninth Street, Minneapolis, MN 55402, for plaintiff.

The above-entitled matter comes before the Court upon the Report and  
Recommendation of United States Magistrate Judge Raymond L. Erickson, dated January 15,  
2009, and no objections having been filed to said Report and Recommendation.

Based upon the Report and Recommendation of the Magistrate Judge, and all of the  
files, records and proceedings herein, **IT IS HEREBY ORDERED** that: this action is  
dismissed for failure to comply with Magistrate Judge Erickson's Order of December 16,  
2008, for failure to effect proper service on the Defendant, and for lack of prosecution.

Dated: February 10, 2009  
at Minneapolis, Minnesota

s/John R. Tunheim  
**JOHN R. TUNHEIM**  
United States District Judge